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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) No. CR-11-00583 SBA
12 Plaintiff,)
13 v.) ORDER GRANTING STIPULATED
14 ALEJANDRO GUTIERREZ,) REQUEST TO CONTINUE CHANGE OF
15 Defendant.) PLEA AND SENTENCING TO MARCH
16) 21, 2012 AND TO EXCLUDE TIME
17) UNDER THE SPEEDY TRIAL ACT
18)
19) Date: February 8, 2012
20) Time: 10:00 a.m.
21) Court: Hon. Sandra Brown
22) Armstrong
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19 The parties jointly requested that the change of plea and sentencing hearing in this matter
20 set for February 8, 2012 be continued to March 21, 2012 at 10:00 a.m. The parties further
21 requested that time be excluded pursuant to the Speedy Trial Act between January 27, 2012 and
22 March 21, 2012 for (1) effective preparation of counsel, taking into account the exercise of due
23 diligence, and (2) for consideration by the Court of a proposed plea agreement to be entered into
24 by the defendant and the attorney for the government.

25 The parties previously submitted a proposed plea agreement for the Court's
26 consideration. Accordingly, in order to allow time for the Court to consider the proposed plea
27 agreement and the Pre-Plea Presentence Investigation Report ("PSR"), the parties stipulated and
28 agreed that the time between January 27, 2012 and March 21, 2012 should be excluded pursuant

1 to the Speedy Trial Act, and specifically pursuant to 18 U.S.C. § 3161(h)(1)(G), for
2 consideration by the Court of a proposed plea agreement to be entered into by the defendant and
3 the attorney for the government. Defendant continues to agree that the Court may review the
4 PSR even though he has not yet pleaded guilty.

5 Additionally, in light of the parties' need to review and respond to the PSR, the parties
6 agreed the ends of justice served by granting the continuance outweigh the best interests of the
7 public and defendant in a speedy trial. Therefore, the parties further stipulated and requested
8 that the Court exclude time between January 27, 2012 and March 21, 2012 pursuant to the
9 Speedy Trial Act for effective preparation of counsel and pursuant to 18 U.S.C. §§
10 3161(h)(7)(A) and (B)(iv).

11 Good cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(1)(G) and
12 3161(h)(7)(A) and (B)(iv),

13 **IT IS HEREBY ORDERED** that this matter is continued to March 21, 2012 at 10:00
14 a.m. for change of plea and sentencing, and that time between January 27, 2012 and March 21,
15 2012 is excluded pursuant to the Speedy Trial Act, and specifically pursuant to (1) 18 U.S.C. §
16 3161(h)(1)(G), for consideration by the Court of a proposed plea agreement to be entered into by
17 the defendant and the attorney for the government, and (2) 18 U.S.C. §§ 3161(h)(7)(A) and
18 (B)(iv), for effective preparation of counsel.

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20 DATED: 1/27/12


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge